

REGULATION OF MINING OPERATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions relating to regulation of mining operations on state and federal land.

Highlighted Provisions:

This bill:

- ▶ provides that political subdivisions of the state do not have the authority to regulate mining operations on state and federal land; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

40-8-5, as last amended by Laws of Utah 1995, Chapter 299

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **40-8-5** is amended to read:

40-8-5. Authority to enforce chapter -- Coordination of procedures -- Department of Environmental Quality.



28 (1) (a) The board and the division have jurisdiction and authority over all persons and
 29 property, both public and private, necessary to enforce this chapter.

30 (b) ~~[Any]~~ The delegation of authority to ~~[any other]~~ a state officer, board, division,
 31 commission, or agency to administer ~~[any or all other laws]~~ a law of this state relating to mined
 32 land reclamation is withdrawn and the authority is unqualifiedly conferred upon the board and
 33 division as provided in this chapter.

34 (c) Nothing in this chapter~~[-, however, shall affect in any way]~~ affects the right of ~~[the]~~
 35 a landowner, or ~~[any]~~ a public agency having proprietary authority under other provisions of
 36 law, to administer lands within the state, to include conditions in ~~[any]~~ a lease, license, bill of
 37 sale, deed, right-of-way, permit, contract, or other instrument, ~~[conditions as appropriate,~~
 38 ~~provided that]~~ if the conditions are consistent with this chapter and the rules adopted under ~~[it]~~
 39 this chapter.

40 (2) (a) ~~[Where]~~ If federal or local laws or regulations require operators to comply with
 41 mined land reclamation procedures separate from those provided for in this chapter, the board
 42 and division shall make every effort to have its rules and procedures accepted by the other
 43 governing bodies as complying with their respective requirements.

44 (b) ~~[The objective in coordination is]~~ The provisions of Subsections (2)(a) and (d) are
 45 established to minimize the need for operators and prospective operators to ~~[undertake~~
 46 ~~duplicating]~~ comply with duplicative, overlapping, or conflicting ~~[compliance procedures]~~
 47 requirements.

48 (c) Nothing in this chapter authorizes a political subdivision of the state to ~~H→~~ [regulate]
 48a impose a condition or restriction on ~~←H~~ a
 49 mining operation located on state or federal land ~~H→~~ that is not imposed by a federal or state
 49a agency on the mining operation ~~←H~~ .

50 (d) An ordinance or regulation issued by a political subdivision of the state that is
 51 ~~H→~~ [inconsistent with] more restrictive than ~~←H~~ a permit issued under this chapter for a mining
 51a operation on state or federal
 52 land is unenforceable.

53 (3) Nothing in this chapter is intended to abrogate or interfere with ~~[any]~~ the powers or
 54 duties of the Department of Environmental Quality.

Legislative Review Note
as of 2-23-11 1:48 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 400

SHORT TITLE: Regulation of Mining Operations

SPONSOR: Noel, M.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.